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SENATE

{ REPORT  
108-61

### BEAUFORT, SOUTH CAROLINA, STUDY ACT OF 2003

JUNE 9, 2003.—Ordered to be printed

Mr. DOMENICI, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 500]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 500) to direct the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE

This Act may be cited as the “Beaufort County, South Carolina, Study Act of 2003”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(2) STUDY AREA.—The term “study area” means the historical sites in Beaufort County, South Carolina, relating to the Reconstruction Era including—

- (A) the Penn School;
- (B) the Old Fort Plantation on the Beaufort River;
- (C) the Freedman’s Bureau in Beaufort College;
- (D) the first Freedman’s Village of Mitchellville on Hilton Head Island;
- (E) various historic buildings and archaeological sites associated with Robert Smalls;
- (F) the Beaufort Arsenal; and
- (G) other significant sites relating to the Reconstruction Era.

#### SEC. 3. SPECIAL RESOURCE STUDY.

(a) STUDY.—The Secretary shall conduct a special resource study of the study area to assess the national significance, suitability of designating the study area as a

unit of the National System in accordance with section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(b) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the special resource study, the Secretary shall submit to Congress a report that describes the findings of the study and any conclusions and recommendations of the Secretary.

#### SEC. 4. THEME STUDY.

(a) STUDY.—The Secretary shall conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Reconstruction Era, and shall include recommendations for commemorating and interpreting sites and resources identified by the theme study such as sites that should be nominated as national historic landmarks and sites that warrant further study for potential inclusion in the National Park System.

(b) REPORT.—Not later than 3 years after the date on which funds are made available to carry out the theme study, the Secretary shall submit to the Congress a report that describes the findings of the study and any conclusions and recommendations of the Secretary.

#### SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appointed such sums as are necessary to carry out this Act.

### PURPOSE OF THE MEASURE

The purpose of S. 500 is to direct the Secretary of the Interior to study certain sites in and around Beaufort, South Carolina, relating to the Reconstruction Era for potential designation as a unit of the National Park System.

### BACKGROUND AND NEED

The National Park System does not now have a park unit that focuses chiefly on the preservation and interpretation of the Reconstruction Era following the Civil War.

The Beaufort, South Carolina area, includes several sites that could contribute to the understanding of the Reconstruction Era. Beaufort was once known as “the wealthiest, most aristocratic and cultivated town of its size in America.” It still includes many well-preserved buildings in its historic district and the surrounding area.

Among the area’s historic sites, is the Penn Center on St. Helena Island. The Penn Center was the first attempt to provide former slaves with the knowledge and resources to transition to freedmen. It was established in a back room at the Oaks Plantation House on the island in June 1862. Initially, the Penn Center was an agricultural school. Later, industrial courses were added and the trades of carpentry, black smithing, wheel wrighting, harness making, cobbling and mechanics were taught. It is the only school for freed slaves founded during the Civil War that is still operational. The Penn Center was designated as a National Historic Landmark in 1974.

Also, the Freedmen’s Bureau, located in the restored Beaufort College, served as the Federal Government’s policy headquarters for matters related to emancipated slaves during Reconstruction. The Old Fort Plantation on the Beaufort River is said to be the site where African-Americans first heard Abraham Lincoln’s Emancipation Proclamation on January 1, 1863.

Cape Sexton was the site of the first African-American regiment mustered in the United States Army. The Freedmen’s Village of Mitchellville is nearby on Hilton Head Island. Finally, the home of Civil War hero Robert Smalls is also in the area. Smalls is famous

for escaping slavery by piloting a Confederate ship past rebel forces at Charleston Harbor and delivering it into Union hands in Beaufort. Smalls later served in the United States House of Representatives.

Under S. 500, the National Park Service would conduct a special resources study to determine if these and other resources would be appropriate for addition to the National Park System.

#### LEGISLATIVE HISTORY

S. 500 was introduced on March 3, 2003. The Subcommittee on National Parks held a hearing on S. 500 on May 13, 2003. A companion measure, H.R. 332, was introduced by Representative Wilson on January 8, 2003. A similar bill, S. 2388, was introduced by Senator Hollings during the 107th Congress. The Subcommittee on National Parks held a hearing on S. 2388 on June 20, 2002. At the business meetings on July 31, 2002, the Committee on Energy and Natural Resources ordered S. 2388, as amended, favorably reported. The text of S. 2388 was included in an amendment to S. 1894, which passed the Senate on November 19, 2002.

At the business meeting on May 21, 2003, the Committee on Energy and Natural Resources ordered S. 500, as amended, favorably reported.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on May 21, 2003, by a voice vote of a quorum present, recommends that the Senate pass S. 500, if amended as described herein.

#### COMMITTEE AMENDMENT

During the consideration of S. 500, the Committee adopted an amendment in the nature of a substitute. The amendment makes minor clarifying changes. The amendment is explained in detail in the section-by-section analysis, below.

#### SECTION-BY-SECTION ANALYSIS

*Section 1* designates the short title of the bill as the “Beaufort, South Carolina Study Act of 2003.”

*Section 2* defines key terms used in the bill.

*Section 3* directs the Secretary of the Interior to conduct a special resource study, sets forth requirements for conducting the study and consultation, and provides that a report on the findings, conclusions, and recommendations of the study be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives within 3 years from the date on which funds are made available.

*Section 4* directs the Secretary of the Interior to conduct a National Historic Landmark theme study identifying sites and resources that are significant to the Reconstruction Era. The section also sets forth requirements for conducting the study and provides that a report on the findings, conclusions, and recommendations of the study be submitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and natural

Resources of the House of Representatives within 3 fiscal years from the date on which funds are made available.

*Section 5* authorizes the appropriation of such sums as are necessary to carry out the Act.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, May 28, 2003.*

Hon. PETE V. DOMENICI,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for S. 500, the Beaufort, South Carolina, Study Act of 2003.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

BARRY B. ANDERSON  
(For Douglas Holtz-Eakin, Director).

Enclosure.

#### *S. 500—Beaufort, South Carolina, Study Act of 2003*

S. 500 would direct the Department of the Interior to conduct a special resource study of historic sites in Beaufort County, South Carolina, to determine if they could be collectively designated as a unit of the National Park System. The bill also would direct the department to conduct a national historic landmark theme study to identify sites in the United States that are significant to the Reconstruction Era. S. 500 would authorize the appropriation of whatever amounts are necessary for the two studies and require the department to report its findings and recommendations to the Congress within three years of receiving funds.

Assuming the availability of appropriated funds, CBO estimates that it would cost about \$300,000 over the next three years to complete the required studies and report. Enacting the bill would not affect direct spending or revenues.

S. 500 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Deborah Reis. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 500. The bill is not a regulatory measure in the sense of impos-

ing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 500, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

On May, 12, 2003, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth Executive agency recommendations on S. 500. These reports had not been received at the time the report on S. 500 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee hearing follows:

#### STATEMENT OF SUE MASICA, ASSOCIATE DIRECTOR, PARK PLANNING, FACILITIES, AND LANDS, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on S. 500. This bill directs the Secretary of the Interior to study certain sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era of United States history.

The Department supports S. 500, with the amendments described in this testimony. On June 20, 2002, the Department testified in support of S. 2388, a similar bill, with suggested amendments. Several of the amendments were adopted and S. 500 is almost identical to S. 2388 as passed by the Senate in the 107th Congress.

The cost of the studies should be \$350,000 for the theme study and \$250,000 for the special resource study, although the final cost of the special resource study may be less due to some degree of examination that the Beaufort area sites would receive as a part of the larger theme study. National Historic Landmark theme studies are funded from a variety of sources including, in some cases, the special resource study budget, which is about \$1 million in FY 2003. There are 29 studies previously authorized by Congress that are being funded from the special resource study budget, nearly half of which will have at least some funding needs beyond Fiscal Year 2003. We transmitted 6 special resource studies to Congress in Fiscal Year 2002, and we expect to transmit about 15 this fiscal year or early next fiscal year. Our highest priority is to complete pending studies, though we expect to start newly authorized studies as soon as funds are made available.

S. 500 authorizes the Secretary of the Interior to conduct a special resource study of historical sites in the historic district of Beaufort, South Carolina, relating to the Reconstruction Era. The study would evaluate the sites' national significance and the suitability and feasibility of design-

nating them as a unit of the National Park System. The bill specifies that the study be conducted in accordance with P.L. 91-383 (16 U.S.C. 1a-1 et seq.), which contains the criteria for studying areas for potential inclusions in the National Park System, with the study to be completed within three years after funds are made available.

In addition, the Secretary is authorized to conduct a national historic landmark theme study to identify sites and resources in the United States that are significant to the Reconstruction Era. The study will include recommendations for commemorating and interpreting sites and resources that should be nominated as national historic landmarks and sites for which further study for potential inclusion in the National Park System should be authorized. This study is also to be concluded within three years after funds are made available. Although historians generally view the Beaufort sites that would be studied under S. 500 as historically significant, the National Park Service has not determined how significant these sites are in comparison to other sites associated with Reconstruction. The theme study would help provide that information.

The Reconstruction Era is generally considered to be the period between 1863, when the Emancipation Proclamation took effect, and the withdrawal of Federal troops from the South following the Compromise of 1877 that resolved the contested presidential election of 1876. The term "Reconstruction" reflects both the literal rebuilding of the war-ravaged South and the more metaphorical rebuilding of the Union following the divisive and destructive conflict. It was a controversial, difficult, and violent period in American history characterized by the adoption of new constitutional amendments and laws, the establishment of new institutions, and the occurrence of significant political events all surrounding the efforts to reincorporate the South into the Union and to provide newly freed slaves with political rights and opportunities to improve their lives.

The Beaufort, South Carolina area contains a number of sites that are associated with events and individuals significant to the Reconstruction Era. Among these are the Penn School on St. Helena Island, the location of an important educational experiment in that era; the Freedmen's Bureau, located at Beaufort College, where the Federal Government conducted official business regarding emancipated slaves; the Freedman's Village of Mitchellville on Hilton Head Island; and sites associated with Robert Smalls, an African-American who served in the U.S. House of Representatives during the Reconstruction Era.

The Department recommends some clarifying amendments to S. 500. We recommend that the title, Section 1, and the definition for Study Area in Section 2 be changed to reflect that the study would center on sites in Beaufort County, South Carolina, rather than the historic district of Beaufort. As drafted, the bill defines the study area as sites in the historic of Beaufort, but then it identifies sev-

eral sites to be studies that are outside of the city of Beaufort.

We also recommend that the special resource study be required to determine the “national significance” of the area as well as its suitability and feasibility for inclusion in the National Park System. This change would be consistent with P.L. 91–383, as amended by the National Park Service Omnibus Management Act of 1998 (P.L. 105–391).

The text for these recommended amendments is attached to this testimony.

That concludes my testimony. I would be happy to answer any questions that you or other members of the subcommittee may have.

*Proposed Amendments, S. 500*

Page 1, Line 4, insert “County” after “Beaufort”.

Page 2, Line 3, strike “the historic district of”.

Page 2, Line 3, insert “County” after “Beaufort”.

Page 2, Line 22, strike “assess the suitability” and insert “assess the national significance, suitability,”.

Amend the title to read, “To direct the Secretary of the Interior to study certain sites in Beaufort County, South Carolina, relating to the Reconstruction Era.”

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 500, as ordered reported.

